

By Cam

H.B. No. 136

A BILL TO BE ENTITLED

AN ACT

amending Article 7590, Revised Civil Statutes of Texas, 1925, to provide that appeals from decisions of the Texas Water Rights Commission concerning applications for permits to divert water from one watershed to another conform to the appeal provisions contained in Section 12, Article 7477, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 7590, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 7590. APPLICATION FOR PERMIT. Before any person, association of persons, corporation, water improvement or irrigation district shall take any water from any natural stream, water-course, or watershed in this State into any other watershed, such person, association of persons, corporation, water improvement or irrigation district shall make application to the Texas Water Rights Commission for a permit so to take or divert such waters, and no permit shall be issued by the commission until after full hearing before the commission as to the rights to be affected thereby, and the hearing shall be held and notice thereof given at the time and place, in the manner as the commission may prescribe.

Sec. 2. The necessity for having uniform decisions in appeals from agency decisions; the fact that in view of recent court decisions concerning pleas of privilege, the presence of the deleted appeal provision was misleading and superfluous; the importance of this legislation; and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended.

Key to Rules, Regulations, and Orders of Assembly

BILL ANALYSIS

(1) Background information:

Article 7590, Revised Civil Statutes of Texas, 1925, concerning application for permits to divert water from one watershed to another, now provides for an appeal procedure which differs from the general appeal procedure set forth in Art. 7477, Sec. 12, Revised Civil Statutes of Texas, 1925.

(2) What the bill does:

This bill provides for an amendment to Art. 7590 deleting the misleading and superfluous appeal provision contained therein.

(3) Section analysis:

Section 1. Deletes the appeal provision contained in Art. 7590.

Section 2. Declares an emergency.

(4) In Committee:

After full discussion by the Committee, the bill was referred to a subcommittee. The subcommittee proposed Committee amendment No.1 which was adopted unanimously. The bill was then ordered reported back to the House with the recommendation that it do pass as amended and be printed, by unanimous vote.

FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

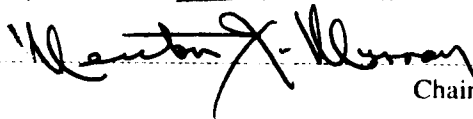
Date March 7, 1967

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on CONSERVATION AND RECLAMATION, to whom was referred H. B. No. 136, have had the same under consideration and beg to report back with recommendation that it do pass, as amended, ~~and be~~ printed.


Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)



C. L. RAY, JR.
DISTRICT 3
HARRISON AND PANOLA COUNTIES
MARSHALL OFFICE:
505 EAST TRAVIS P.O. BOX 299
MARSHALL, TEXAS 75670
WEBSTER 5-7901 AREA CODE 214

The State of Texas
House of Representatives
Austin, Texas

COMMITTEES:
AERONAUTICS
CONSERVATION AND RECLAMATION
CRIMINAL JURISPRUDENCE
JUDICIAL DISTRICTS
REPRESENTATION BEFORE THE
LEGISLATURE

March 7, 1967

Committee Amendment #1
Amend HB 136 by adding to the printed bill

~~C. L. Ray, Jr. moves that H.B. 136 be amended as follows:~~

~~That~~ after the word, prescribe, in Section I at
line 34, the following words ~~be added~~; by its
"Rules, Regulations, and Modes of Procedure."

C. L. Ray, Jr.
C. L. RAY, JR.

COMMITTEE AMENDMENT
NO. 1

MAR 20 1967

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

P.O.D.
7/1
1/1

By: Cain

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Sec. 2. The necessity for having uniform decisions in appeals from agency decisions; the fact that in view of recent court decisions concerning pleas of privilege, the presence of the

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deleted appeal provision was misleading and superfluous; the importance of this legislation; and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended.

Austin, Texas

April 12, 1967

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on Water and Conservation,
to which was referred H. B. No. 136, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.



Parkhouse

Chairman

CAS

ENROLLED

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Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.B. No. 136 was passed by the House on March 20, 1967, by a non-record vote.

Chief Clerk of the House

I hereby certify that H.B. No. 136 was passed by the Senate on April 20, 1967, by the following vote. Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

May 1, 1967
Date

John Connally
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:56 pm O'CLOCK

MAY 4 1967

John L. Hill
Secretary of State

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JAN 25 1967

READ 1ST TIME
AND REFERRED TO COMMITTEE ON

Conservation &
Reclamation

MAR 8 1967 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER

MAR 20 1967

READ SECOND

TIME Amended AND

ORDERED non-record vote ENGROSSED, by

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 20 1967

Constitutional

Rule resuming bills to be read on
thereafter suspended by
A four-minute vote.

Yeas 134 Nays 12

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 20 1967

Read third time

and Passed
by following vote

Nays

Dorothy Hallman

Chief Clerk

HOUSE OF REPRESENTATIVES

MAR 20 1967

MOTION TO RECONSIDER THE VOTE BY

WHICH HB# 136 WAS

ADOPTED / PASSED AND TO TAKE THE MOTION TO RECON-

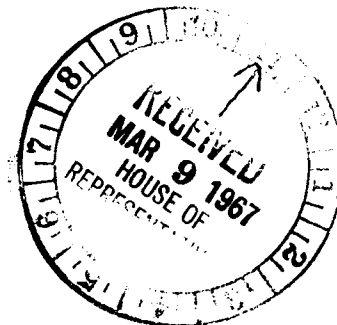
SIDER PREVAILED BY A non-record vote

AYES AND

NAYES

CHIEF CLERK HOUSE OF REPRESENTATIVES

MAR 20 1967 SENT TO ENGROSSING CLERK



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 11:00 9

(Time)

MAR 9 1967

(Date)

By: Cain

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- 1-23-67 Filed.
- 1-25-67 Read first time and referred to Committee on Conservation and Reclamation.
- 3- 8-67 Reported favorably as amended, sent to printer.
- 3- 9-67 Printed, distributed and referred to Committee on Rules at 11:00 a.m.
- 3-20-67 Read second time, amended and ordered engrossed by a non-record vote.
- 3-20-67 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 134, Nays 12.
- 3-20-67 Read third time and passed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

- 3-20-67 Sent to Engrossing Clerk.
- 3-20-67 Engrossed.

Engrossing Clerk, H. of R.

MAR 21 1967 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAR 21 1967

IN THE SENATE
Received from the House

MAR 21 1967

Read first time
and referred to Committee
on Water and Conservation

APR 12 1967

Reported Favorably.

APR 20 1967

Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 31 yeas,
0 nays, to place bill on third
reading and final passage.

APR 20 1967

READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 31 Nays 0

Charles Schnabel
Secretary of the Senate

APR 20 1967

READ SECOND TIME,
AND PASSED TO THIRD READING.

APR 20 1967

SENT TO HOUSE

APR 20 1967

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

APR 20 1967

SENT TO ENROLLING CLERK
